

S U M M A R Y A C T I O N M I N U T E S



REGULAR MEETING OF THE BOARD OF SUPERVISORS ORANGE COUNTY, CALIFORNIA

Tuesday, May 16, 2000, 9:30 A.M.

BOARD HEARING ROOM, FIRST FLOOR
10 Civic Center Plaza
Santa Ana, California

CHARLES V. SMITH
CHAIRMAN
First District

JAMES W. SILVA
VICE CHAIRMAN
Second District

TODD SPITZER
SUPERVISOR
Third District

CYNTHIA P. COAD
SUPERVISOR
Fourth District

THOMAS W. WILSON
SUPERVISOR
Fifth District

ATTENDANCE: All present

EXCUSED: None

PRESENT:	COUNTY EXECUTIVE OFFICER	Janice M. Mittermeier
	COUNTY COUNSEL	Laurence M. Watson
	CLERK OF THE BOARD	Darlene J. Bloom

INVOCATION: Supervisor Coad, Fourth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Silva, Second District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chairman Smith presented a resolution recognizing week of May 14th - 20th, 2000 as "Emergency Medical Services Week"

Chairman Smith presented a resolution recognizing May as "Older Americans Month"

Chairman Smith presented a resolution recognizing May as "Drug Court Month"

Supervisor Coad presented a resolution to Kennedy High School Shamrock Regiment Band

Supervisor Coad presented a resolution recognizing El Dorado High School Band

Supervisor Wilson recognized Orange County students who have won state and national awards in the 2000 International Aviation Art Contest

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Supervisor Silva made a presentation to Care Ambulance

II. CONSENT CALENDAR (Items 1-25)

54231 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 2 WHICH WAS CONTINUED TO 6/13/00, 9:30 A.M., ITEM 10 WHICH WAS DELETED AND ITEMS 24 AND 25 WHICH RECEIVED A NO VOTE FROM SUPERVISOR SILVA**

BOARD APPOINTMENTS

1. **Supervisor Coad** - Comprehensive Economic Development Strategy Committee - Reappoint Richard D. Larochelle and Michael D. Neben, Anaheim, for terms ending 7/1/02

DEPARTMENT APPOINTMENTS

2. **Social Services Agency** - Approve establishment of In-Home Supportive Services Advisory Committee; solicit applications for membership and provide for per meeting stipends - All Districts

54231 **CONTINUED TO 6/13/00, 9:30 A.M.**

3. **Health Care Agency** - Mental Health Board - Reappoint Katie L. Monarch, Santa Ana, for term ending 3/14/03 - All Districts

COMMENDATIONS/PROCLAMATIONS

Chairman Smith:

4. Adopt resolution proclaiming May 25, 2000 as "Peace Officer Memorial Day"
RESO: 00-156
5. Adopt resolution proclaiming May 20, 2000 as "Pet Adoption Day"
RESO: 00-157
6. **Supervisor Wilson** - Adopt resolution proclaiming May 25, 2000 as "National Missing Children's Day"
RESO: 00-158

HEALTH CARE AGENCY

7. Adopt resolution approving amended agreement 99-85735 with State Department of Health Services for Women, Infants, and Children Supplemental Nutrition Program, 10/1/99 - 9/30/00 (\$176,200) - All Districts
RESO: 00-159

HOUSING AND COMMUNITY DEVELOPMENT

8. **Acting as the Board of Supervisors and Orange County Housing Authority** - Approve submission of application to Department of Housing and Urban Development for Family Self-Sufficiency Coordinator funds - All Districts

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ORANGE COUNTY PUBLIC LIBRARY

9. Approve submission of grant application to California State Library for Families for Literacy Program, FY 2000/01 - All Districts

PLANNING AND DEVELOPMENT SERVICES

10. Approve agreement with Rancho Santa Margarita Joint Venture regarding use of affordable unit credits generated in the Rancho Santa Margarita and Rancho Trabuco Planned Communities, including a \$300,000 payment for other affordable housing programs - Districts 3 & 5 (Continued from 3/21/00, Item 20; 3/28/00, Item 15; 4/11/00, Item 11)

54231 **DELETED**

11. Approve memorandum of understanding for convening Santa Ana River Watershed Group; and authorize contribution to Orange County Sanitation District for facilitation (\$15,000) - District 1

PUBLIC FACILITIES AND RESOURCES DEPARTMENT

12. Adopt resolution accepting amended Irrevocable Offer of Dedication for Aliso/Woods Canyon Regional Park; approve easement deed to Laguna Niguel for street and highway purposes; and make California Environmental Quality Act findings - District 5
RESO: 00-160
13. Approve agreement D00-009 with California Conservation Corps for clearing of Arundo Donax from various locations (\$50,000); renewable for one year (\$100,000); and make California Environmental Quality Act findings - All Districts
14. Approve agreement D00-032 with State of California (Caltrans) for interchange improvements, State Routes 55 and 405 - District 5
15. Approve terminating the emergency declaration for repairs and closure of Modjeska Grade Road - All Districts (Continued from 02/08/00, Item S50B; 2/15/00, Item 21; 3/7/00, Item 47; 3/21/00, Item 26; 4/4/00, Item 18; 4/18/00, Item 23; 5/2/00, Item 21)
16. Approve change order 12 to engineering services agreement with Tait & Associates, Inc. for additional engineering investigation services of soil contamination, Central Utility Facility, Santa Ana (\$108,452; new total \$409,367) - District 1

Acting as the Orange County Flood Control District:

17. Accept work and approve notice of completion, Belczak & Sons, Inc. for Brea Creek Channel improvements; project completed 2/24/00 (\$7,462,171) - District 4
18. Approve price agreement N1000002715 with All Cities Fence And Construction Co., Inc. for on-call chainlink fence and gate construction and repair services at various locations, 6/1/00 - 5/31/01 (\$109,487 per year); renewable for two additional years; and make California Environmental Quality Act findings - All Districts

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- 19 . Approve price agreement N1000002641 with TruGreen Landcare for weed abatement and fuel modification services at various locations, 5/17/00 - 5/16/01 (\$21,344.40 per year); renewable for two additional years; and make California Environmental Quality Act findings - All Districts
- 20 . Receive bids and award contract to Summit Contracting for repair of 330 feet of Laguna Canyon Channel, Canyon Acres Drive, Laguna Beach (\$77,958) - District 5

PUBLIC PROTECTION

Sheriff-Coroner:

- 21 . Approve plans and specifications and set bid opening for 6/21/00, 2:00 p.m., for construction of 5th floor improvements, Brad Gates Forensic Science Center, Santa Ana; and make California Environmental Quality Act findings - District 1
- 22 . Approve continuance of emergency at Theo Lacy Jail for replacement of leaking underground natural gas lines; receive and file status report; and agendaize matter on 6/6/00, 9:30 a.m., for further consideration - District 4 (4/5 vote) (Continued from 4/18/00, Item S55A; 5/2/00, Item 28)

GENERAL ADMINISTRATION

- 23 . **County Executive Office** - Approve amended price agreement H0000000029 with Altmayer Consulting for services related to the implementation of Results Oriented Government Project, departmental business plans and related training programs and extend term to 10/31/00 (\$63,000; new total \$379,900) - All Districts
- 24 . **Chairman Smith** - Approve Community Social Program Grant funds to Midway City Community Organization; approve budget adjustments and make appropriate findings, 5/16/00 - 10/31/00 (\$2,500)
- 54231 **APPROVED AS RECOMMENDED**
N
- 25 . **Supervisor Spitzer** - Approve Community Social Programs Grant funds to Ronald McDonald House; approve budget adjustments and make appropriate findings, 5/16/00 - 11/30/00 (\$1,000)
- 54231 **APPROVED AS RECOMMENDED**
N

END OF CONSENT CALENDAR

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III. DISCUSSION ITEMS (Items 26-40)

COMMUNITY SERVICES AGENCY

26. Approve amended agreements with Coast Community College District (\$299,476 decrease; new total \$1,730,747), The Training Institute, Inc. (\$377,250 decrease; new total \$1,207,738), City of Garden Grove (\$195,250 decrease; new total \$4,427,979), and City of La Habra (\$481,250 decrease; new total \$2,135,139) for workforce development services through Regional One-Stop Job Centers - All Districts
- 25341 **APPROVED AS RECOMMENDED**

27. Approve agreements with various providers for Workforce Investment Act Title I Youth Program Services, FY 2000 - 2001 (\$2,133,614) - All Districts
- 42351 **APPROVED AS RECOMMENDED**

PLANNING AND DEVELOPMENT SERVICES

28. Approve agreement with Michael Brandman Associates for Phase II Antonio Parkway mitigation monitoring program in conjunction with Public Facilities and Resources Department - District 5
- B.O. **DELETED**

PUBLIC FACILITIES AND RESOURCES DEPARTMENT

29. Adopt resolution authorizing submittal of applications for Orange County Transportation Funding Program funds for specified street improvements, FYs 2001-06; and approve project rankings - All Districts
- 45231 **APPROVED AS RECOMMENDED**
- RESO: 00-161*

Acting as the Orange County Flood Control District:

30. Approve agreement D00-018 with Tetra Tech, Inc. for architectural-engineering on-call professional services for flood control projects - All Districts
- 24351 **APPROVED AS RECOMMENDED**
31. Approve agreement D00-027 with CH2M Hill for architectural-engineering on-call professional services for flood control projects - All Districts
- 24351 **APPROVED AS RECOMMENDED**

SOCIAL SERVICES AGENCY

32. Approve agreement MS-0001-18 with California Department of Aging for multipurpose senior services program (\$1,387,062) - All Districts
- 54231 **APPROVED AS RECOMMENDED**

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33. Approve CalWORKs Fiscal Incentives Funding Plan for Temporary Assistance to Needy Families Program services (\$33,100,000); and make appropriate budget adjustments - All Districts (4/5 vote)
14235 **APPROVED AS AMENDED TO DIRECT STAFF TO INCREASE ALLOCATION FOR SUMMER YOUTH EMPLOYMENT PROGRAM TO \$5 MILLION AND DECREASE RESERVE BALANCE TO \$8 MILLION**

PUBLIC PROTECTION

34. **Probation** - Approve price agreement N1000002756 with BI Incorporated for lease of equipment/hardware and off-site centralized monitoring services for Juvenile Offender Supervised Electronic Confinement Program, 6/1/00 - 5/31/01 (\$140,000); renewable for four additional years - All Districts
31245 **APPROVED AS AMENDED TO DIRECT STAFF TO RETURN TO THE BOARD FOR APPROVAL EACH YEAR**

Sheriff-Coroner:

35. Approve price agreement N1000002707 with Computer Deductions, Inc. for Unisys mainframe computer support, 7/1/00 - 6/30/01 (\$502,000); renewable for two additional years - All Districts
52341 **APPROVED AS RECOMMENDED**
36. Declare emergency and make appropriate findings pursuant to Public Contract Code Section 22050 and authorize price agreement with Unisys Corporation to upgrade infrastructure to support new system providing disaster recovery to the Department of Justice California Law Enforcement Telecommunications System (\$1,661,667); set review to determine continuing need for emergency action for 05/23/00, 9:30 A.M. and every 14 days thereafter - All Districts (4/5 vote)
42351 **APPROVED AS RECOMMENDED**
37. Authorize change of name for Fund 14Q for capital projects and approve related budget adjustments - All Districts (4/5 vote) (Continued R.A. 7, Capital Project Fund 14Q from 5/2/00, Item 50)
32451 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

County Executive Office:

38. Approve County Child Care Coordinator follow-up report and action plan; direct County Executive Office to provide a progress report in 6 months - All Districts
13245 **APPROVED AS RECOMMENDED**

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- 39 . Receive and file Organizational and Program Assessment of Senior Services Programs, March 2000, approve implementation plan and provide policy direction regarding organizational placement for Area Agency on Aging; and direct staff to report back to the Board within 90 days with status report - All Districts

B.O. **CONTINUED TO 5/23/00, 9:30 A.M.**

- 40 . Discuss and approve recommendations and strategies for use of County's share of National Tobacco Settlement for jail expansion, health care priorities and related matters - All Districts (Continued RA's 3 and 4 from 3/28/00, Item 37; 5/09/00, Item 33)

42351 **APPROVED 50/50 SPLIT OF TOBACCO SETTLEMENT MONIES. AFTER A**
XN **YEAR, AN EVALUATION OF THE RESULTS AND ACCOUNTABILITY OF THE**
 USE OF THE HEALTH COALITION FUNDS SHALL BE STUDIED FOR THE
 PURPOSE OF INCREASED FUNDING IF MEASURABLE GOALS HAVE BEEN
 ACHIEVED AND COUNTY FINANCES ARE ADEQUATE TO PROVIDE SUCH
 AN INCREASE. NO GENERAL FUNDS TO BE USED TO OFFSET TOBACCO
 SETTLEMENT SHORTFALLS NOR DELAY IN DEBT DEFEASANCE, JAIL
 EXPANSION OR THE DRUG AND SUBSTANCE ABUSE REHABILITATION
 FACILITY AND PROGRAMS FOR THE INCARCERATED

IV. PUBLIC HEARINGS (Items 41-44)

HOUSING AND COMMUNITY DEVELOPMENT

- 41 . Public Hearing to consider adopting amendments to Annual Action Plans for FYs 1995-96 through 1998-99 for reprogramming unspent Federal funds from completed or cancelled projects - All Districts

B.O. **CLOSED PUBLIC HEARING**

52341 **APPROVED AS RECOMMENDED**

PLANNING AND DEVELOPMENT SERVICES

- 42 . Public Hearing to consider adopting resolution denying appeal filed by Ray Chandos, Sue Baldwin, M/M Spinelli, M/M Rich, M/M Johnson, and M/M Toldtter and upholding the Planning Commission's approval of Site Development Permit PA99-0173 filed by U.S. Veterans Administration for grading, Foothill/Trabuco area - District 3 (Continued from 4/11/00, Item 42; 4/18/00, Item 57; 5/9/00, Item 34)

B.O. **CLOSED PUBLIC HEARING**

35241 **REFERRED BACK TO PLANNING COMMISSION WITH ADDITIONAL CONDITIONS**
X **PROPOSED BY STAFF, AND WITH DIRECTION TO CONSIDER HEALTH AND**
 SAFETY ISSUES INCLUDING FINAL ANALYSIS ON ADJACENT PROPERTY SEPTIC
 PROBLEMS. DIRECTED STAFF TO WAIVE ANY FUTURE APPEAL FEES TO
 CURRENT APPELLANTS IF APPEALED TO THE BOARD FOLLOWING PLANNING
 COMMISSION RECONSIDERATION

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PLANNING AND DEVELOPMENT SERVICES & PUBLIC FACILITIES AND RESOURCES DEPARTMENT

43. Public Hearing to consider adopting resolution approving amended County Transportation Element/Circulation Plan for deleting a segment of Aliso Creek Road west of El Toro Road, unincorporated area and Coastal Area Roadway Improvements and Traffic Signals Road Fee Program for project mitigations and other improvements; and make appropriate findings - District 5
- B.O. **CONTINUED TO 5/23/00, 9:30 A.M.**

PUBLIC FACILITIES AND RESOURCES DEPARTMENT

44. Adopt resolution approving agreement with Adelphia Communications Corporation to assume franchise obligations, waive 45-day waiting period requirement and establish 5/16/00 as effective date - Districts 3 & 4
- B.O. **CLOSED PUBLIC HEARING**

- 43251 **APPROVED AS RECOMMENDED**
X
RESO: 00-162

V. CLOSED SESSION (Items CS-1-SCS3)

GENERAL ADMINISTRATION

County Counsel:

- CS-1. CONFERENCE WITH LEGAL COUNSEL -- PENDING LITIGATION - County Counsel requests a closed session to discuss with the Board of Supervisors the status of pending litigation pursuant to Government Code Section 54956.9(a). The case is: County of Orange v. Heery Program Management, Inc., et al. Los Angeles Superior Court Case No. BC 193660 - All Districts
- B.O. **HELD, CLERK OF THE BOARD ANNOUNCED: BY UNANIMOUS VOTE THE BOARD APPROVED A PROPOSED SETTLEMENT IN THE CASE OF COUNTY OF ORANGE V. HEERY PROGRAM MANAGEMENT, INC., ET. AL. FOR THE SUM OF \$525,000 PAYABLE TO THE COUNTY IN EXCHANGE FOR A RELEASE OF ALL CLAIMS BY THE COUNTY AGAINST THE DEFENDANTS. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL BY THE LOS ANGELES COUNTY SUPERIOR COURT. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, A COPY OF SUPPORTING DOCUMENTS WILL BE MADE AVAILABLE IN THE OFFICE OF THE CLERK OF THE BOARD TO ANY PERSON WHO INQUIRES.**

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- CS-2. CONFERENCE WITH LEGAL COUNSEL -- PENDING LITIGATION - County Counsel requests a closed session to discuss with the Board of Supervisors the status of pending litigation pursuant to Government Code Section 54956.9(a). The case is: In re BARNEY'S INC., et al., Debtors. United States Bankruptcy Court Southern District of New York Chapter 11 Case Nos. 96 B 40113 (JLG) (Jointly Administered) - All Districts
- B.O. **HELD, CLERK OF THE BOARD ANNOUNCED: BY UNANIMOUS VOTE THE BOARD APPROVED A PROPOSED SETTLEMENT IN THE CASE OF IN RE BARNEY'S INC., ET.AL., DEBTORS IN THE AMOUNT OF \$50,000 PAYABLE TO THE COUNTY. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL BY THE BANKRUPTCY COURT OF THE SOUTHERN DISTRICT OF NEW YORK. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, A COPY OF THE SUPPORTING DOCUMENTS WILL BE MADE AVAILABLE IN THE OFFICE OF THE CLERK OF THE BOARD TO ANY PERSON WHO INQUIRES.**
- SCS3. CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION - County Counsel requests a closed session to discuss with the Board of Supervisors the status of pending litigation pursuant to Government Code Section 54956.9(b)(3)(B). The case is: Department of Health and Human Services Investigation of possible improper claims for payment under Title XVII of the Social Security Act; OI File No. L-00-00241-9 - All Districts
- B.O. **HELD, CLERK OF THE BOARD ANNOUNCED: BY UNANIMOUS VOTE THE BOARD AUTHORIZED THE HIRING OF O'MELVENY AND MEYERS, LLP TO REPRESENT THE COUNTY IN THE MATTER LISTED ON TODAY'S AGENDA AS SCS-3**

VI. PUBLIC, BOARD & EMAIL COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Manuel G. De Leon, Teamsters Local 911 - Oral RE: Airport parking agreement concerns and pending strike.

Charles Griffin - Oral RE: Asked Board of Supervisors to close meeting in memory of Claire Trever Bren

BOARD COMMENTS:

Supervisor Spitzer - Board notification of potential airport parking contractor strike

ADJOURNED 1:32 P.M.

51234 Adjourned in memory of Debbie Gray

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*** KEY ***

Left Margin Notes

1. v Chairman Smith
2. v Supervisor Silva
3. v Supervisor Spitzer
4. v Supervisor Coad
5. v Supervisor Wilson

Right Margin Notes

- | | |
|------------------|-----------------|
| A. v Abstained | O. v Ordinance |
| X. v Excused | R. v Resolution |
| N. v No | |
| BO v Board Order | |

Above numbers refer to Supervisorial Districts (1st number = Moved by; 2nd number = Seconded by)

CHARLES V. SMITH, CHAIRMAN
Orange County Board of Supervisors

DARLENE J. BLOOM
Orange County Clerk of the Board